IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.579 OF 2006
WITH
CIVIL APPLICATION NO.750 OF 2006

Digamber Shridhar Mhapsekar. ..Appellant.

V/s.

Aryan Education Society & Anr. ..Respondents.

Mr.M.M.Vashi for appellant.

Mr.Dhakephalkar with Avinash Fatagare for respondent No.1,5 and 6.

Mr.Sanjeev Kadam for respondent No.8.

Mr.Wasoodev for respondent No.1,2,3,4 and 9.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 7, 2006.

P.C. :

1. Heard counsel for the parties.

2. As the meeting, which was scheduled on 29th July, 2006 is already over, I see no reason to interfere in this appeal to examine correctness of the impugned Judgment. Instead, this appeal is disposed of with direction to the trial Court to finally dispose of the Notice of Motion as expeditiously as possible, preferably by second week of September, 2006. The respondents shall file reply to the Notice of Motion on or before 16th August,

2006. Rejoinder, if any, on or before 21st August, 2006.

3. I am informed that Notice of Motion is now made returnable on 10th August, 2006. On that day, in view of this direction given in this order the trial Court shall fix the Notice of Motion for hearing on 22nd August, 2006 or such other date to ensure that Notice of Motion is finally disposed of by second week of September, 2006.

4. These directions are issued in view of the undertaking given by the parties through the counsel before this court that they will extend full cooperation to the trial Court for early disposal of the Notice of Motion and no request for adjourned will be made on any count. That assurance is accepted.

5. The trial Court shall decide the Notice of Motion on its own merits in accordance with the law.

6. Appeal as well as civil application disposed of on the above terms.